

STATE OF INDIANA) IN ALLEN COUNTY CIRCUIT COURT
) SS:
COUNTY OF ALLEN) CAUSE NO. 02C01-0709-PL-106

STATE OF INDIANA,)
)
 Plaintiff,)
)
 v.)
)
SELECT AUTOMOTIVE, INC.,)
)
 Defendant.)

DEFAULT JUDGMENT

The Plaintiff, State of Indiana, having filed its Motion for Default Judgment and the Court having read the same and being duly advised in the premises, now finds:

1. The Court has subject matter and personal jurisdiction over the Defendant.
2. The Defendant, Select Automotive, Inc., was served with the complaint and summons on September 19, 2007.
3. The Defendant has failed to file an answer, plead, or request an extension of time in which to answer the State's Complaint.
4. More than twenty (20) days have elapsed since the Defendant was served with the State's complaint.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Motion for Default Judgment is **GRANTED** in favor of the Plaintiff, State of Indiana, and against the Defendant, Select Automotive, Inc. The Defendant, its agents, representatives, employees, successors and assigns are permanently enjoined from engaging in the following conduct in violation of Ind. Code §24-5-0.5 *et seq*:

a. A permanent injunction pursuant to Ind. Code §24-5-0.5-4(c)(1), enjoining Select Automotive, Inc., its agents, representatives, employees, successors, and assigns, from:

- (1) selling motor vehicles without delivering vehicle titles as required by Ind. Code §9-17-3-3;
- (2) misrepresenting warranty of title in violation of Ind. Code §24-5-0.5-3(a)(8); and,
- (2) misrepresenting its ability to complete the subject of a consumer transaction within a stated or reasonable period of time in violation of Ind. Code §24-5-0.5-3(a)(10).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is granted in favor of the Plaintiff, State of Indiana, and against the Defendant, Select Automotive, Inc., as follows:

b. Restitution pursuant to Ind. Code §24-5-0.5-4(c)(2) as follows: the Court upon approval of this Default Judgment hereby directs the Indiana Bureau of Motor Vehicles to issue titles for the following vehicles to the consumers identified herein:

(1) 2004 Buick Regal, 2G4WB52KX41259214
Owner: Vivian Davis

Woodburn, IN 46797

(2) 2003 Dodge Grand Caravan, 2D4GP54L13R140115
Owner: Jeremy Drobeck

Kalamazoo, MI 49009

(3) 2005 Chrysler T&C, 1C4GP45R55B271012

Owner: Doane Hadley

Freehold, NJ 07728

(4) 2004 Cadillac Escalade, 1GYEK63N24R171449

Owner: Clayton Lightfoot

Kenett, MO 63857

(5) 2006 Chevrolet Aveo, KL1TD666X6B679554

Owner: Eugene Prine

Capron, IL 61012

(6) 2005 GMC Denali, 1GKFK66U15J189698

Owner: Peter Reycroft

Fort Myers, FL 33919

Lienholder: United Services Automobile Association

(7) 2004 Chevrolet Avalanche, 3GNEC12T84G256146

Owner: Theresa Weldon

Portage, IN 46368

c. Costs pursuant to Ind. Code §24-5-0.5-4(c)(3), awarding the Office of the Attorney General its reasonable expenses incurred in the investigation and prosecution of this action in the amount of \$615.00;

d. Civil penalties pursuant to Ind. Code §24-5-0.5-4(g), for the Defendant's knowing violations of the Deceptive Consumer Sales Act; in the amount of \$35,000.00, payable to the State of Indiana; and,

e. Civil penalties pursuant to Ind. Code §24-5-0.5-8, for the Defendant's intentional violations of the Deceptive Consumer Sales Act, in the amount of \$3,500.00, payable to the State of Indiana.

For a total monetary judgment in the amount of \$39,115.00 in favor of the Plaintiff, State of Indiana, and against Defendant, Select Automotive, Inc.

ALL ORDERED, ADJUDGED AND DECREED on this 23 day of

October, 2007.

Thomas J. Felts NKL

Judge, Allen County ~~Superior~~ Court

Circuit

DISTRIBUTION:

Mary Ann Wehmueller
Office of the Attorney General
302 W. Washington Street
IGCS, 5th Floor
Indianapolis, IN 46204